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March 19, 2025

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee Dear Honorable Members:

**APPEAL SUMMARY AND STAFF RESPONSE. 18430 – 18434 West Vanowen Street; CF  
25-0056**

**Project Background**

The proposed Project involves the demolition of the existing commercial building and carport and the construction, use, and maintenance of a new seven-story, 95-unit residential development. Fifteen percent of the base density, or 11 dwelling units, will be set aside for Very Low Income Households. The Project will encompass a floor area of 90,112 square feet with a floor area ratio (FAR) of 3.11:1 and will rise to a maximum height of 74 feet and 6 inches. The Project proposes 102 vehicle parking spaces located within the ground-floor and second-floor levels. The Project also proposes a total of 79 bicycle parking spaces.

At its meeting of August 16, 2024, the City Planning Commission (CPC) voted 6-0 to conditionally approve Case No. CPC-2022-8567-DB-CDO-SPR-VHCA pursuant to LAMC Sections 12.22 A.25, 13.08, and 16.05 with a Class 32 Categorical Exemption to CEQA under Case No. ENV-2022-8568-CE as the environmental clearance for the project. At the conclusion of the project's appeal period, an appeal was filed by Supporters Alliance for Environmental Responsibility (SAFER) of the approved Density Bonus On-Menu Incentives, Community Design Overlay Compliance Review, and Site Plan Review. Subsequently, the appeal was scheduled to be heard by the Planning and Land Use Management Committee on March 25, 2025. On March 18, 2025, SAFER submitted additional comments.

For the subject appeal, Staff has compiled the appeal points from the Appellant's Justification for Appeals. Staff has responded to the appeal points below.

### **Staff Recommendation**

Planning Staff recommends that the PLUM Committee recommend for Council Action to deny the submitted appeal of CPC-2022-8567-DB-CDO-SPR-VHCA and sustain the City Planning Commission's determination, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Article 19 (Class 32), and that there is no substantial evidence demonstrating that an exception to a categorical exemption applies for an exemption from CEQA. The following statements have been compiled and summarized from the submitted appeals and responded to below.

### **Appeal Summary**

Following the City Planning Commission's determination approving the Project's Density Bonus Compliance Review, Community Design Overlay Compliance Review, and Site Plan Review request, SAFER filed an appeal specifically addressing the Project's Class 32 Categorical Exemption from CEQA. The Appellant contends that 1) CEQA's Infill Exemption does not apply on its face to the Project and thus a full CEQA analysis is required, and 2) The Project does not qualify for CEQA's Infill Exemption due to the Unusual Circumstances Exception.

### **Appeal Point #1: CEQA's Infill Exemption does not apply on its face to the Project and thus a full CEQA analysis is required.**

The Appellant claims that the Exemption does not apply on its face because:

- 1) The Project will have significant adverse impacts on noise, precluding reliance on the Infill Exemption.
  - a. The City's noise analysis relies on an improperly established noise baseline.
  - b. There is substantial evidence that the Project will result in potentially significant construction noise impacts.
  - c. The city's operational noise analysis is incomplete.
- 2) The Project will have significant adverse impacts on air quality, precluding reliance on the Infill Exemption.
  - a. The City inadequately evaluated diesel particulate matter ("DPM") emissions.
  - b. There is substantia evidence that the Project will have significant impacts related to air pollutant health risks due to DPM and formaldehyde that the city failed to adequately address.
  - c. The Project requires mitigation measures to reduce tis DPM emissions.

### **Staff Response**

- 1a) The Appellant falsely contends that the Categorical Exemption Report and Noise Technical Report prepared for the Project established an inaccurate ambient noise baseline because the Appellant claims that the reports inaccurately identified the closest sensitive receptors to the Project site and that the methodology for measuring ambient

noise levels was conducted incorrectly. The Categorical Exemption Report and Noise Technical Report identified all sensitive receptors within 1,000 feet including the closest sensitive receptor which the Appellant argues was not analyzed. The sensitive receptor which the Appellant refers to is a multi-family residence located at 6727 Darby Avenue. This property was indeed analyzed in the Project's Noise Technical Report under Sensitive Receptor No. 5/Noise Measurement Location D (Table 3, Noise Technical Report, Exhibit D). In addition, the ambient noise measurements conducted for the nearest sensitive receptors were based on guidance from the Federal Transit Administration. The Appellant argues that this method is incorrect without providing any substantial evidence or alternate methodology. Therefore, the Appellant's claims that the City's noise analysis relies on an improperly established noise baseline is false.

- 1b) The Noise Technical Report prepared for the Project by DKA Planning, dated September 2023 and attached as Exhibit D, conservatively assumes simultaneous use of multiple pieces of construction equipment and the use of best practices techniques required by the Department of Building and Safety code (e.g. sound barriers) when modeling the projected noise levels at five (5) sensitive receptors. The Appellant's argument that the City's noise analysis fails to disclose and mitigate the Project's construction impacts is based on a lack of understanding of the data presented in the Noise Technical Report. The Construction Noise Sound Contours shown in Figure 2 of the report illustrate how noise would propagate from the construction site during the demolition and grading phases which are when noise levels would generally peak. When considering the ambient noise levels at each of the sensitive receptors, the use of multiple pieces of powered equipment simultaneously, and best practices techniques, the increases in ambient noise levels are almost negligible because the expected maximum construction noise levels would be less than existing ambient noise levels as shown in Table 5 of the report. In addition, construction-related traffic is not expected to increase existing noise levels by 3 dBA or more as this threshold would require a doubling in traffic volumes. Based on the expected number of haul trucks moving debris and soil, vendor and contractor trips, and worker commute trips associated with the Project, an increase of 10.9 percent in traffic volumes is expected at Vanowen Street and therefore construction-related traffic will not result in a 3 dBA or more increase in existing noise levels. As such, the noise analysis prepared for the Project does not fail to disclose and mitigate the Project's construction impacts as the Project will not result in a significant construction noise impact.

In August 2024, the City updated the construction noise and vibration thresholds used by the Department of City Planning in assessing environmental impacts of projects in accordance with CEQA (Construction Noise and Vibration, Updates to Thresholds and Methodology, August 2024). The Update acknowledges that the previous construction noise thresholds, including the 5 dBA threshold over existing ambient conditions, have proven to be overly sensitive and has resulted in impact conclusions that are not supported with substantial evidence. With regard to Daytime Construction Noise Thresholds, the Update dictates that there is no longer a numerical threshold above ambient noise levels for construction activities that occur between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturdays. With regard to absolute noise thresholds, on- and off-site construction noise during the daytime hours (between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. to 6:00 p.m. on Saturdays) are limited to a maximum 80 dBA threshold at sensitive uses. The Noise Technical Report prepared for this Project does not account for the recent updates to

construction noise thresholds, however based on these new thresholds the analysis provides a more conservative assessment of the Project's construction activities impacts and none of the sensitive receptors are expected to experience an absolute noise level of 80 dBA (the highest expected noise level would be 66.7 dBA at Receptor No. 3 according to the Noise Technical Report). Therefore, the Appellant's claim that the Project will result in potentially significant construction noise impacts is also invalid in accordance with the City's new construction noise thresholds.

- 1c) The Project's operational noise impacts were assessed in the Noise Technical Report identifying operational noise from mechanical equipment, auto-related activities, outdoor uses, and vehicles traveling to and from the Project. The report concluded that the Project's rooftop HVAC units could generate a sound pressure level of up to 81.9 dBA at one foot, however noise impacts from rooftop mechanical equipment (i.e. HVAC equipment) on nearby sensitive receptors would be negligible since 1) there will be no line-of-sight from the rooftop to any nearby sensitive receptors, and 2) the presence of the Project's roof edge and a 3'-6" parapet would function as a noise barrier and reduce noise levels from rooftop HVAC units by more than 8 dBA. The noise analysis determined that there would be no sound path from the HVAC equipment to nearby residences that would be approximately 40 feet lower than the roof of the Project.

While the Noise Technical Report does not mention the ground floor transformers that will front the Project site, noise impacts associated with the transformers will be negligible when considering the existing ambient noise levels contributed by vehicular traffic along Vanowen Street and their setback and screening from the public right-of-way and residential units. The Project's transformers will be screened by hedges and will not abut any residential units. Therefore, noise impacts associated with the Project's transformers are not expected to be significant.

Contrary to the Appellant's claim that the Noise Technical Report did not assess noise from the parking garage entrance or ventilation system, the analysis completed an assessment of these noise sources. Under the Mechanical Equipment and Auto-Related Activities subsections (page 16-17), the report states that the Project Site and its driveway off Vanowen Street would not expose any sensitive receptors in the area to auto-related noise as there are no sensitive receptors on this portion of this major arterial. While vehicles entering and exiting the garage may be audible at times at off-site locations, the closest sensitive receptors would not have a direct line of sight to the garage and any auto-related activities. The property located across Project's parking garage entrance is an autobody shop and is not recognized as a sensitive receptor. In addition, the Project's ventilation system would be fully enclosed within the structure and shielded from nearby sensitive receptors..

- 2a) The Appellant's argument that the City inadequately evaluated DPM emissions because the City failed to conduct a construction or operational health risk analysis (HRA) is false and without any substantial evidence. In the Air Quality Technical Modeling Report prepared for this Project and attached in the Exhibit D, it highlights that SCAQMD recommends that HRAs be conducted for substantial individual sources of DPM (e.g. truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units). The proposed Project is a 95-unit multi-family development with 102 parking spaces. The primary sources of

potential air toxics associated with Project operations include DPM from delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets) and to a lesser extent, facility operations (e.g., natural gas fired boilers). Based on this guidance, the Project would not include land uses generally associated with substantial DPM concentrations and is not considered to be a substantial source of DPM warranting a HRA. In addition, according to SCAQMD methodology, health risks from carcinogenic air toxics are usually described in terms of individual cancer risk which is defined as the likelihood that a person exposed to concentrations of TACs over a 30-year period will contract cancer. Project construction is anticipated to be approximately 24 months, and the magnitude of daily diesel PM emissions will vary over this time period. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period, construction TAC emissions would result in a less than significant impact.

- 2b) An Air Quality Technical Report was prepared for this Project, dated September 2024, and it analyzed emissions of air pollutants that will be generated by the construction and operation of the proposed Project, including toxic air contaminants (TACs) such as diesel particulate matter (DPM). The analysis identified DPM as the primary TAC generated by construction activities and notes that the construction emission modeling conducted for this Project conservatively assumes that all equipment present on the Project site would be operating simultaneously throughout most of the day, while in all likelihood this would rarely, if ever, be the case. Therefore, the magnitude of daily diesel PM emissions, would not be sufficient to result in substantial pollutant concentrations at off-site locations nearby. The Analysis concludes that construction activities would not produce chronic, long-term exposure to DPM given the Project's approximately 24-month construction timeline and the temporary and periodic use diesel equipment. With regards to long-term Project operations, the Analysis concludes that the Project does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities therefore the Project would not create substantial concentrations of TACs or DPM.

The Project is not obligated to conduct a health risk assessment (HRA) under the guidance of SCAQMD and the Office of Environmental Health Hazard Assessment (OEHHA) to evaluate health risks associated DPM emissions generated during project construction. SCAQMD requires operational HRAs for activities that may generate high levels of DPM including truck idling and movement (e.g. truck stops, warehouse/distribution centers, transit centers), ship hoteling at ports, and train idling. The Project does not propose or anticipate any of these activities during project operations. Based on the guidance of the OEHHA a construction HRA is not required as the anticipated construction time for the Project (approximately 24 months) represents a relatively small portion of a 30-year exposure duration recommended for a construction HRA. Therefore, the Project is not required to conduct a HRA and Project will not have significant adverse effects related to air quality health risks associated with diesel particulate matter.

According to California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist. (2015), CEQA does not require the evaluation of the impact of the existing environment on future project residents, unless the Project exacerbates the impact. Based on the Air Quality Technical Modeling Study, there is no evidence that there is an existing formaldehyde issue at the project site or that the project would exacerbate any such existing issue. The

Appellant provides no evidence that there is an existing formaldehyde issue at the Project site or that the Project would exacerbate any such existing issue. No real data is submitted with the Appellant's comments that connect the Project to any indoor air quality impacts. The Appellant provides inaccurate statements and speculations in surmising the Project's future indoor formaldehyde concentrations and the alleged risk the Project may pose to Project users. The Project will be consistent with federal and state regulations which limit formaldehyde emissions from building materials and therefore residents and employees will not be exposed to lethal levels of formaldehyde emissions or significant cancer risks. Therefore, the Appellant's claim is false and the Project will not pose significant health risks associated with formaldehyde emissions.

- 2c) As discussed in Staff's Response in 2a) and 2b) the Project will not result in significant impacts and health risks associated with DPM and therefore mitigation measures are not required for this Project. As detailed in the Air Quality Technical Report (see Exhibit D) prepared for the Project, construction- and operation-related activities associated with the Project will not result in substantial DPM concentrations nor will the approximate duration of Project construction (24 months) and the land uses associated with the Project warrant a health risk assessment and adverse health risks (page 30-33, Air Quality Technical Report, September 2023).

**Appeal Point #2: The Project does not qualify for CEQA's Infill Exemption due to the Unusual Circumstances Exception**

The Appellant argues that given the evidence that they have provided to show that the Project will have significant adverse impacts on noise and air quality, these impacts constitute an unusual circumstance and therefore the Unusual Circumstances Exception for a Class 32 Categorical Exemption applies.

**Staff Response**

As discussed in Staff's Responses to Appeal Point No. 1, the Project will not result in significant impacts and health risks related to air quality, indoor air quality, and noise. Therefore, the Appellant's claim that the Unusual Circumstances Exception to the Class 32 Categorical Exemption applies is incorrect.

**Conclusion**

Based on the information in the record and after consideration of the appellant's arguments for appeal, Staff determines that the City Planning Commission did not err or abuse its discretion in approving the Density Bonus Compliance Review for On-Menu Incentives, Community Design Overlay Compliance Review, and Site Plan Review and that it qualifies for a Class 32 Categorical Exemption. The Appellant presents no substantial evidence demonstrating that the project would result in significant impacts and health risks related to air quality and noise, and that the Project is unqualified for an exemption from CEQA. Therefore, Planning Staff recommends that the PLUM Committee recommend for Council Action to deny the appeal and sustain the City Planning Commission's determination, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Article 19 (Class 32), and that there is no substantial evidence demonstrating that an exception to a categorical exemption applies for an exemption from CEQA.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in black ink, appearing to read "David Woon". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "Woon".

DAVID WOON  
Planning Assistant

HB:EA:DW